

BYE-LAWS 2007

The Lancaster Port Commission, in exercise of the powers conferred by Section 83 of the Harbours Docks and Piers Clauses Act 1847 (incorporated into the Lancaster Port Commission Revision Order 1967 by article 3 thereof) and by Article 6 of the Lancaster Port Commission Harbour Revision Order 1994 and by Section 57 of the Criminal Justice Act 1988 and of all other powers them enabling, hereby make the following bye-laws.

PART I – PRELIMINARY

Title and Commencement

1. These bye-laws may be cited as the Lancaster Port Commission Bye-laws 2007 and shall come into operation on the expiration of 28 days from the date of confirmation thereof by the Secretary of State for Transport.

Application

2. These bye-laws shall apply to all parts of the harbour, the limits of jurisdiction of which are shown on the plan hereto and to the harbour premises as defined in bye-law 3 hereof.

Interpretation

3. In these bye-laws, unless the context otherwise requires, the following words or expressions have the meanings hereby respectively assigned to them

“the Authority”	means the Lancaster Port Commission;
“the 1967 Order”	means the Lancaster Port Commission Harbour Revision Order 1967(a)
“Collision Regulations”	means regulations for the prevention of collisions made under section 85 of the Merchants Shipping Act 1995;
“diving operations”	means commercial diving operations;
“dock”	means Glasson Dock, Lancaster and any other dock/quay belonging to or vested in the authority
“goods”	means all articles and merchandise of every description, as defined in the interpretations of the Harbour Docks and Piers Clauses Act 1847;
“harbour”	means as defined on the attached plan;
“the harbour master”	means the person appointed as defined in the Interpretation of the Harbour Docks and Piers Clauses Act 1847;
“the harbour premises”	means the docks, quays, jetties, stages and all other works, land and buildings for the time being vested in or occupied or administered by the Authority;
“hovercraft”	means a vehicle which is designed to be supported when in motion wholly or partly by air expelled from the vehicle to form a cushion of which the boundaries include the ground, water or other surface beneath the vehicle;
“personal watercraft”	means a small recreational boat propelled by a directionally controlled water jet or by other mechanical means of propulsion, and steered either:- (a) by means of a handlebar operated linkage system (with or without a rudder at the stern); or (b) by the person or persons riding the craft using his or their body weight for the purpose; or (c) by a combination of the methods referred to in (a) and (b) above.
“master”	when used in relation to any vessel means any person having the command, charge or management of the vessel for the time being;
“owner”	when used in relation to goods includes any consignor, consignee, shipper or agent for the sale, receipt, custody, loading or unloading and clearance of those goods and includes any other person in charge of the goods and his agent in relation thereto; and when used in relation to a vessel includes any part owner, broker, charterer, agent or mortgagee in possession of the vessel or other person or persons entitled for the time being to possession of the vessel;
“quay”	means any quay, wharf, jetty, dolphin, landing stage or other structure used for berthing or mooring vessels, and includes any pier, bridge, roadway or footway immediately adjacent and affording access thereto;
“sail board”	means a raft with a sail or sails designed to be operated by a person or persons standing upright thereon;
“small vessel”	means any vessel of less than 20 metres in length or a sailing vessel, and for the purposes of this definition;
“sailing vessel”	means a vessel designed to carry sail, whether as the sole or as a primary or supplementary means of propulsion;
“vehicle”	includes any vehicle propelled on rails, any machinery on wheels or caterpillar tracks, trailers, caravans and mobile homes and includes a hovercraft or any other amphibious vehicle;
“vessel”	means a ship, boat or raft of any description and includes any other thing constructed or adapted for floating on or being submerged in water (whether permanently or temporarily); and includes a hovercraft within the meaning of the Hovercraft Act 1968 or any amphibious vehicle or seaplane.

PART II – NAVIGATION

Vessel Movements

- 4 (1) No vessel shall enter or go out of the dock unless the master or pilot is on board and then only in such order as may be directed by the harbour master.
- (2) The master of a vessel shall give prior notice to the harbour master of the vessel's arrival at, departure from or movement within, the harbour.

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- (3) The owner or master of any vessel or small vessel lying in the dock or lying at anchor in or near to any quay shall remove such vessel to some other place or berth when ordered to do so by the harbour master. Whenever, in the opinion of the harbour master, it shall be necessary, for the purpose of cleaning or repairing the dock, or for the accommodation of vessels or for any other purpose, to remove any vessel out of the dock, the master or owner of the vessel shall, within three days after notice from the harbour master, remove the same and in default, the harbour master may cause such vessel to be removed at the risk and expense of the master or owner who shall be liable for all expense incurred in such removal.

Declaration of particulars of vessel

5. The master of a vessel arriving at the harbour shall, if required by the harbour master, furnish to him a declaration in the form to be obtained from him containing a correct statement of the tonnage and draught of the vessel, its last port of call, ownership and destination, and particulars of its cargo.

Vessels to navigate with care

6. The master shall navigate his vessel with such care and caution and at such speed and in such manner as not to endanger the lives of or cause injury to persons or damage to property and as not to obstruct or prejudice the navigation, maneuvering, loading or discharging of vessels or cause unnecessary damage to moorings, river banks or other property.

Small vessels not to obstruct fairway

7. The master of a small vessel which is not confined to a fairway shall not make use of the fairway so as to cause obstruction to other vessels which can navigate only within the fairway.

Vessels not to be made fast to navigation buoys or marks

8. The master of a vessel shall not make fast his vessel to or lie against any buoy, beacon or mark used for navigational purposes.

Notification of collisions, etc.

9. The master of a vessel which:-

- (a) has been involved in a collision with any vessel or property, or has been sunk or grounded or become stranded in the harbour, or
 - (b) by reason of accident, fire, defect or otherwise is in such a condition as to affect its safe navigation or to give rise to danger to other vessels or property; or
 - (c) in any manner gives rise to an obstruction to a fairway;
- shall as soon as reasonably practicable report the occurrence to the harbour master and as soon as reasonably practicable thereafter provide the harbour master with full details in writing. Where the damage to a vessel is such as to affect or be likely to affect its seaworthiness, the master shall not move the vessel except to clear the fairway or to moor or anchor in safety, otherwise than in accordance with the directions of the harbour master.

PART III – BERTHING AND MOORING

Provision of proper fenders

10. The master and the owner of a vessel shall ensure that it is provided with a sufficient number of fenders adequate for the size of the vessel and, when berthing and leaving or lying at a quay or against other vessels, the master shall cause the vessel to be fended off from that quay, or those other vessels so as to prevent damage to that quay, those other vessels or any other property. Also, upon arrival at and departure from the dock, the master of the vessel shall ensure that the anchors are cleared away ready for use in the event of engine failure or any other emergency.

Vessels to be properly berthed

11. The master of a vessel shall at all times keep his vessel properly and effectively moored when berthed or lying at any quay.

Vessels adrift

12. The master of a vessel which parts from its moorings shall as soon as reasonably practicable report the same to the harbour master.

Access to and egress from vessels

13. The master and the owner of a vessel (other than a small vessel) while berthed alongside the quay shall provide and maintain a sufficient and proper gangway for the access and egress of all persons having lawful business on the vessel and shall during the hours of darkness provide sufficient lighting to illuminate the whole length of the gangway.

Sufficiency of crew

14. The master of a vessel shall at all times when his vessel is within the harbour ensure that his vessel is capable of being safely moved and navigated and that there are sufficient crew or other competent persons readily available:-
- (a) to attend to his vessel's moorings;
 - (b) to comply with any directions given by the harbour master for the unmooring, mooring and moving of his vessel; and
 - (c) to deal, so far as reasonably practicable, with any emergency that may arise.

Vessels to be in a movable condition

- 15(1) The master of a vessel shall not, except where his vessel is lying aground, take any steps to render his vessel incapable of movement without first notifying the harbour master and, subject aforesaid, shall at all times keep his vessel so loaded and ballasted and in such condition that it is capable of being safely moved.
- (2) Where a vessel is at any time not capable of being safely moved by means of its own propulsive machinery, the master or owner shall as soon as reasonably practicable inform the harbour master and give to him any relevant information which the harbour master may reasonably require.

Use of engines while vessel moored or berthed

16. The master of a vessel which is moored at a quay or attached to any mooring device shall not work the engines of his vessel or permit them to be worked in such a manner as to cause unnecessary injury or damage to the bed or banks of the harbour or to any other vessel or property.

Vessels not to make fast to unauthorized objects

17. No person shall make a vessel fast to any post, quay, ring, fender or any other thing or place not assigned for that purpose.

Access across decks

19. The master of a vessel alongside a quay or alongside any vessel already berthed within the harbour shall, if required so to do by the harbour master, give free access across the deck of his vessel for persons and goods to and from berthed vessels alongside his vessel.

Lost anchor, cable or propeller

19. The master of a vessel which has slipped or parted from or lost any anchor, chain, cable or propeller shall:-

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- (a) as soon as reasonably practicable give to the harbour master notice thereof and, if possible, of the position of the anchor, chain, cable or propeller and, if the harbour master so directs, shall cause it to be recovered as soon as reasonably practicable.;
- (b) in the case of an anchor or propeller leave a buoy to mark its position if this is known.

Repairing and scraping of vessels

- 20. No external repairs or scraping shall be done to any vessel while in the dock unless the master of the vessel agrees in writing to comply with, and complies with the following conditions;
 - (a) before commencing, and during the operation of scraping any vessel, tarpaulins or canvas sufficient to receive the scrapings shall be affixed to the vessel, and a boat placed alongside to prevent scrapings from falling into the water.
 - (b) before any repairs are commenced to any vessel, the master or owner shall cause a risk assessment to be undertaken, in consultation with the harbour master, to encompass all current and relevant health, safety and environmental protection issues.

PART IV – GOODS AND ROAD AND RAIL TRAFFIC

Requirements as to handling and movement of goods in the harbour

- 21. The owner of any goods loaded or discharged at the harbour shall ensure that the goods are removed as soon as reasonably practicable and in any case within 48 hours unless the harbour master otherwise agrees.

Precaution against goods, etc., falling into harbour waters or the Authority's premises.

- 22. The master of a vessel and a person undertaking the loading of cargo into, or the discharging of cargo from, a vessel shall use or cause to be used such methods as the harbour master may direct for the prevention of any cargo, dunnage, ballast or other materials from falling or escaping into the waters of the harbour or onto the premises of the Authority.

Obstruction or interference at the harbour premises.

- 23. No person shall:-
 - (a) except with the consent of the harbour master, deposit or place on any part of the harbour premises any goods, or park any vehicle, so as to obstruct any road, railway, building, mooring place, plant, machinery or apparatus or the access thereto; or
 - (b) except with the consent of the harbour master, use, work, move or tamper with any plant, machinery or apparatus at the harbour premises.

Safe driving of vehicles

- 24. No person shall drive or otherwise operate a vehicle in the harbour premises without due care and attention or without reasonable consideration for other persons using the harbour premises.

Speed limits for vehicles

- 25. No person shall allow a vehicle to proceed anywhere in the harbour premises at a speed greater than 5 miles per hour in the case of road vehicles, and 5 miles per hour in the case of vehicles on rails.

Supervision of vehicles

- 26. A person having charge of a vehicle in the harbour premises shall at all times comply with any directions of the harbour master with respect to the loading, discharging maneuvering and removal thereof and shall not, without the permission of the harbour master:-
 - (a) leave the vehicle unattended anywhere within the harbour premises; or
 - (b) take it into any shed or working area.

Loads not to leak, spill or drop

- 27(1) A person having charge of a vehicle in the harbour premises shall not permit any harmful/polluting substance to leak, spill or drop from the vehicle.
 - (2) This bye-law shall not apply to any spillage from a vehicle in which fish are being transported in bulk where that spillage could not reasonably have been prevented.

Loads to be secured

- 28. A person having charge of a vehicle in the harbour premises shall ensure that any load carried by the vehicle is adequately supported and secured where appropriate, and that it complies with all such statutory restrictions on the weight of goods to be so carried as are applicable on public roads.

Refueling, etc., of vehicles

- 29. No person shall within the harbour premises charge or recharge any vehicle with, or empty it of, fuel except with the consent of the harbour master or at a place designated by the Authority for that purpose.

Precedence of locomotives, etc.

- 30. A person driving or otherwise operating a road vehicle within the harbour premises shall give way to any locomotive, railway rolling stock or other rail vehicle.

Driving on weighbridges

- 31. No person shall drive or otherwise operate a vehicle across any weighbridge within the harbour premises except for the purpose of weighing the vehicle.

Accidents to be reported

- 32. Any person driving or otherwise operating a vehicle involved in an accident in the harbour premises whereby any injury is caused to any person or damage is caused to any property, shall stop the vehicle and report the accident to the harbour master and shall give his name and address to the harbour master. The requirements of this bye-law are without prejudice to any reporting obligations under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995.(b)

PART V – GENERAL

Inspection facilities, etc., to be made available to harbour master

- 33. The master of a vessel shall so far as may be required by the harbour master in the exercise of his duties, afford the harbour master access to any part of the vessel and provide all reasonable facilities for its inspection and examination.

Navigation under influence of drink and drugs prohibited

- 34. A person shall not navigate any vessel in the harbour whilst under the influence of drink or drugs to such an extent as to be incapable of taking proper control of the vessel.

Laying down of moorings

- 35(1) No person shall lay down any mooring, buoy, or similar tackle without prior consultation with the harbour master nor except in accordance with such conditions as the harbour master may impose

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- (2) A mooring, buoy or similar tackle shall as soon as reasonably practicable be removed by its owner or any other person claiming possession of it if the harbour master so directs

Dumping in harbour water prohibited

36. No person shall deposit or throw into the waters of the harbour any rubbish or other material or place it in such a position that it can fall, blow or drift into the harbour.

Drift or trawling nets not to obstruct vessels

37. No person shall cast or place any drift, trawl or other net in such a position as to be likely to become an obstruction or danger to any property including in particular, but without prejudice to the generality of the foregoing, any vessel or mooring.

No dragging or grappling without permission

38. Without prejudice to bye-law 20, no person shall drag or grapple for any material or article nor remove the same from the bed of any water area of the harbour save for the purpose of immediately recovering items dropped overboard from a small vessel

Vessels to have names marked on them

39. The owner of a vessel which is not registered as a ship under the Merchant Shipping Act 1995 Part II and marked accordingly shall ensure that the vessel is marked conspicuously with its name or other means of identification and harbour of origin (if any).

Abandonment of vessels prohibited

- 40(1) No person shall abandon a vessel on the banks or shore of the harbour.
(2) For the purposes of paragraph (1) of this bye-law, a person who leaves a vessel on the banks or shore of the harbour in such circumstances or for such period that he may be reasonably be assumed to have abandoned it shall be deemed to have abandoned it there unless the contrary intention is shown.(c)

Sail boards

41. No person shall operate or cause to be operated a sail board in the fairway save for the purpose of directly crossing the fairway in the course of navigation

Diving operations

42. No diving operations shall be carried out except with the written consent of the harbour master.

Assistance to fire and other services

43. The master of a vessel shall give every reasonable facility and assistance to the fire, police, ambulance, and other emergency services for dealing with, alleviating or preventing any emergency.

Fire precautions

- 44(1) The master of a vessel shall take all reasonable precautions for the prevention of accidental fire or accidents by fire;
(2) The occupant(s) of any building within the harbour area shall inform the harbour master if an outbreak of fire and take immediate action to bring all available fire fighting equipment into operation.
(3) If he cannot reasonably do so, the master or owner of any vessel shall notify the Authority in writing, within 24 hours of any fire, explosion or similar incident on board. The master shall provide all available information as to the locality, the date and time of the accident, the cause of the accident, including mechanical failure, damage (if any) to persons or property and other information the Authority might reasonably require. Provided the master gives the Authority all reasonable facilities, the Authority shall, within 3 days of receipt of such a notice, inspect or cause the vessel to be inspected. For that purpose the master shall keep the vessel as nearly as possible in the exact condition after the occurrence of the fire or other accident.
(4) Only vessels used by the Authority and by police, fire and ambulance services may display a blue flashing light by day or night.
(5) The maximum prescribed speed limit shall not apply to vessels in use by the Authority and by fire, police and ambulance services in the execution of their duties.
(6) No person shall light, or attempt to light or use any open fire or naked light within the harbour area, except with the permission of the harbour master.
(7) The master of a vessel in the harbour or its approaches shall ensure that no fuel tank or fuel can shall be opened or moved on his vessel without permission. The fuel can shall be specifically designed and constructed and suitable for the purpose.
(8) All naked lights in cooking, heating, refrigerating and lighting appliances aboard vessels moored at the harbour must be turned off before fuel is taken on.
(9) All LPG (Liquefied Petroleum Gas) containers shall be installed in an upright position with the valve uppermost and not adjacent to any cooking or heating appliance or in an engine, fuel or battery compartment.

Meetings

45. Except with the permission of the harbour master, no person shall within the harbour premises:-
(a) organise any general meeting; or
(b) deliver any address to an audience or gather together any persons
whereby any work or business at the harbour or the control, management or use of the harbour is, or is likely to be, obstructed, impeded or hindered.

Unauthorized trading prohibited

46. No person shall engage by way of trade, in buying or selling any goods or property in the harbour premises other than vessels and ancillary equipment without first notifying the harbour master in writing.

Penalties

- 47(1) Any person who contravenes or otherwise fails to comply with any of these bye-laws or any condition, requirement or prohibition imposed by the Authority or the harbour master in the exercise of the powers conferred upon them or him by these bye-laws shall be guilty of an offence and be liable, on conviction before a court or summary jurisdiction, to a fine not exceeding level 3 on the standard scale and the fine must be commensurate with the seriousness of such contravention or failure to comply.
(2) Where the commission by any person of an offence under these bye-laws is due to the act or default of some other person, that other person shall be guilty of an offence; and that other person may be charged with, and convicted of, the offence by virtue of this bye-law whether or not proceedings for the offence are taken against any other person.
(3) In any proceedings for an offence under these bye-laws, it shall be a defence for the person charged to prove:-
(a) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence; or
(b) that he had a reasonable excuse for his act or failure to act.
(4) If in any case the defence provided by paragraph (3)(a) of this bye-law involves the allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending seven clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting the identification of that person as was then in his possession.

Crown saving provision

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48. Nothing contained in these bye-laws shall be deemed to be or shall operate as a grant by or on behalf of the Crown of any estate or interest or right over the foreshore or seabed or any part thereof owned by the Crown from time to time, nor shall anything contained or done under any of the provisions of these bye-laws in any respect prejudice or injuriously affect the rights and interests of the Crown in such foreshore and seabed, or prevent the exercise thereon of any public rights of prejudice or injuriously affect any right, power, or privilege legally exercisable by any person in over or in respect of the foreshore or seabed.

Revocation

49. The bye-laws made by the Commissioners and Trustees of the Port of Lancaster on 7 October 1885, approved by the Justices of the Peace on 4 January 1886, as amended on 8 June 1914 and on 6 October 1958 are hereby revoked.

The Common Seal of The Lancaster Port Commission was affixed to the foregoing byelaws in the presence of two Commissioners and confirmed under the Authority of the Secretary of State on the 1st February 2008.

Certified true copies are available to view at the Port Office, West Quay, Glasson Dock.

- (a) S.I. 1968/532
- (b) S.I. 1995/3163
- (c) *Harbours Docks and Piers Clauses Act 1847 (c.27) section 65 allows the harbour master to remove a vessel where the master of a vessel cannot be found.*
- (d) S.I. 1999/2723.